

R E M A R K S

Claims 1 through 37 are in the application, with Claims 1, 3-8, 10-17, 20, 21, 24-26, 28-30, 32 and 34-36 having been amended. Claims 1, 26 and 32 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

In response to the objection to the specification, the hyperlinks which originally appeared in the specification have now been replaced with suitable example hyperlinks to illustrate the term "URL". In addition, a minor informality in the specification has been corrected, as indicated above.

Claim Rejections under 35 USC § 112, second paragraph

Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

All of the issues raised by the Examiner in regard to the definiteness of the claims have been addressed by the above-indicated amendments to claims 1, 3-8, 10-17, 20, 21, 24-26, 28-30, 32 and 34-36, except for the following points:

- the phrase "said purchaser" is not found in claim 9;
- the phrase "the actual number" is not found in claim 26;
- the phrase "the remaining object requests" is not found in claim 20.

Accordingly, it is believed that the rejections under § 112, second paragraph have been overcome.

Claim Rejections under 35 USC § 102(e) and § 103(a)

Claims 1-7, 9-15, 17, 19-21, 23, 24, 26-37 are rejected under U.S.C. 102(e) as being anticipated by Oliver et al., U.S. Patent Publication No. 2002/0133412 (hereinafter "Oliver"). In addition, claims 8, 16, 18, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver in view of "Official Notice".

Before discussing specific claim language that distinguishes the claims from the Oliver reference, applicants will first generally describe major differences between the present invention and Oliver's system.

The Oliver reference is generally concerned with a system in which end users are financially billed for accessing Internet resources on a per usage basis. In particular, an end user subscribes to a “home” service provider, which handles charges to the end user resulting from the end user accessing resources from other service providers. This has nothing to do with routing requests from one server network to a proxy server network to take advantage of excess capacity in the proxy server network, which is the subject and purpose of the present invention. To be more explicit, the reference contains no teaching whatsoever concerning sales of excess capacity from a server network to serve requests made to another server network.

Claim 1 is directed to a “method for dynamically reconfiguring a proxy server network to deliver content by dynamically selling extra capacity”. The method recited in claim 1 includes “determining unused capacity on the proxy server network for a period of time”, “selling the said unused capacity for a specified period of time to web sites or other service providers which need additional capacity” and “using said unused capacity to serve requests to the said web sites or other service providers purchasing the extra capacity for said period of time”.

In explaining the rejection of claim 1, the Examiner referred to passages at paragraphs, [0077] and [0100] of the reference as allegedly teaching the limitation of “determining unused capacity on the proxy server network for a period of time”. However, these passages do not in any way refer to unused capacity of a server network, or any other kind of unused capacity. Rather, paragraph [0077] discusses protocols for pricing of resources, and paragraph [0100] discusses providing various classes of service to end users. Again, these passages completely fail to teach or disclose determining unused capacity in a proxy server network. The term “unused capacity” is not present in these passages, nor is that concept discussed in these passages in any other words.

Further in regard to the rejection of claim 1, the Examiner referred to a passage at paragraph [0120] of the reference as allegedly disclosing the selling and using of unused capacity in the proxy server network. However, this assertion also is not actually supported by that portion of the reference. The passage in paragraph [0120] is concerned with establishing a session for use of the World Wide Web by an end user, where the session is in essence paid for by a token issued for the end user by the end user’s “home” service provider. This has nothing to do with selling or using unused capacity in a proxy server network.

For the foregoing reasons, it is respectfully urged that the Oliver reference fails to provide support for the rejection of claim 1, and that the rejection should be reconsidered and withdrawn.

Claims 2-25 are directly or indirectly dependent on claim 1 and are submitted as patentable on the same basis as claim 1. Moreover, at least some of the dependent claims recite additional limitations that are not taught or disclosed in the Oliver reference. For example, claim 3 further recites the limitation of “providing a controller to monitor and control traffic from the web sites or other service providers to be within a limit of the capacity purchased”. The Examiner cited paragraphs [0113] and [0332] with respect to claim 3, but these passages fail to teach or suggest the additional limitation recited in claim 3. Paragraph [0113] discusses providing a network of servers that cooperate to provide a single point of contact for an end user. Paragraph [0332] discloses determining whether an end user has sufficient credits to view a resource. Neither passage teaches or suggests a controller to limit traffic from other web sites to an amount of capacity that has been purchased. Thus, claim 3 is believed to be patentable on grounds that are independent of the grounds of patentability of claim 1. Such is also the case with respect to claim 10, which recites the same limitation as claim 3.

Claim 6 recites the further limitation that the “domain name server based approach” also includes “the domain name server of the purchaser World Wide Web site routing the name to address map of said purchaser World Wide Web site to said domain name server of the proxy network” and “said primary domain name server mapping a fraction of the received mapping requests to servers in the proxy network based on an amount of unused capacity purchased”. With respect to the limitation of routing the name to address map of the purchaser World Wide Web site from the purchaser domain name server to the proxy domain name server, the Examiner cited paragraphs [0113] and [0249] to [0260]. Once more, however, these passages fail to support the Examiner’s reliance thereon. As discussed above, paragraph [0113] is concerned with providing a network of servers that cooperate to provide a single point of contact for an end user. Nothing in this passage teaches or suggests one domain name server routing a name to address map to another domain name server. Also, paragraphs [0249] to [0260] set forth information contained in a database concerning an end user and a current session. Again the passage completely fails to teach or suggest routing a name to address map from one domain name server to another domain name server. Thus claim 10 is believed to be patentable on

grounds that are independent of the grounds of patentability of claim 1. Such is also the case with respect to claim 13, which recites the same limitations as claim 6.

The other independent claims, which are claims 26 and 32, and their dependent claims 27-31 and 33-37, are submitted as patentable on the same basis as claim 1. In addition, there are independent grounds of patentability for claims 28 and 34, for the reasons given above with respect to claim 3, and for claims 31 and 37, for the reasons given above with respect to claim 6.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

June , 2004
Date



Nathaniel Levin
Registration No. 34,860
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-3460